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ATTORNEYS FOR MOVANTS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In re:	§	
	§	Case No. 10-40095-7
LAWRENCE J. POPE,	§	
	§	
Debtor.	§	

**MOTION TO APPROVE AGREEMENT FOR RELIEF
FROM THE AUTOMATIC STAY AND WAIVER OF THIRTY DAY
HEARING REQUIREMENT**

Wright Ginsberg Brusilow P.C. (“WGB”), creditors in the above captioned proceeding, files this Motion to Approve Agreement for Relief from the Automatic Stay (“Motion”), and in support thereof represents as follows:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

JURISDICTION

1. This matter is subject to this Court's core jurisdiction pursuant to 28 U.S.C. §§ 157(b)(2)(B) and 1334.

2. On January 7, 2010, Debtor filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code. Linda S. Payne was appointed Chapter 7 Trustee.

BACKGROUND

3. WGB is a law firm that represented Debtor in connection with certain pre-petition litigation. Mr. Pope executed a Security Agreement dated February 23, 2009, in order to secure payment of the fees and expenses of WGB incurred by the Debtor. A true and correct copy of the Security Agreement is attached hereto as Exhibit "A". The Security Agreement secures all indebtedness and obligations owed by Debtor to WGB. The Security Agreement grants WGB a security interest in the following motorcycles ("Collateral"):

- a. 1978 Lave Motorcycle, VIN 1221;
- b. 1982 BMW Motorcycle, VIN WB1043500C6175670;
- c. 1972 BMW Motorcycle, VIN 2985705;
- d. 1958 IND Motorcycle, VIN JS13584;
- e. 1942 Harley Davidson Motorcycle, VIN 42UL1382; AND,
- f. 1970 BSA Motorcycle, VIN HD00472A65F.

Movant's liens in the Collateral are properly perfected by notations on the Certificates of Title, as evidenced by true and correct copies of the titles attached hereto as Exhibit "B". Movant is owed \$74,199.81 in fees and expenses as of April 1, 2010. In addition, the Security Agreement provides that the costs and expenses incurred by Movant to collect

the indebtedness, including legal fees and expenses, are secured by the Collateral. Movant estimates those costs at \$1,000. Debtor scheduled the value of the Collateral at \$41,000.

4. Movant has reached an agreement with the Trustee pursuant to §362 of the Bankruptcy Code and F.R.B.P. 4001(d) to modify the automatic stay. A copy of the proposed Agreed Order Modifying Automatic Stay is filed herewith. The agreement provides that the automatic stay will be lifted to allow Movant to foreclose its interest in the Collateral.

5. There is no equity in the Collateral. Cause exists for relief from the automatic stay.

WHEREFORE, Movant prays that the Agreed Order Granting Relief from the Automatic Stay be entered by the Court, and for such other and further relief as may be just and equitable.

Respectfully submitted by:

/s/ Shawn K. Brown
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CERTIFICATE OF CONFERENCE

I, Shawn K. Brown, hereby certify that I have held a conference with the Trustee, Linda Payne, and she is in agreement with the relief requested herein. Further, I have spoken to Judith Swift, counsel for the Debtor, and she does not oppose the relief requested.

/s/ Shawn K. Brown

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion was served via electronic means through the Court's ECF noticing system or first-class mail, postage prepaid, upon the Debtors, counsel for the Debtors, the Chapter 7 Trustee, and the Office of the US Trustee, as well as all parties on the official mailing matrix, on this 24th day of May, 2010.

/s/ Shawn K. Brown